

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65904

Hideharu OSAWA

Appln. No.: 09/937,664

Group Art Unit: 2875

Confirmation No.: 5123

Examiner: Anabel Ton

Filed: September 28, 2001

For: SURFACE ILLUMINANT

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RESPONSE UNDER 37 C.F.R. § 1.111

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 14, 2003, please consider the remarks as submitted herewith on the accompanying pages.

REMARKS

Claims 1-5 are pending in the application. The Examiner has rejected claims 1-4 but has found claim 5 to be allowable if placed in independent form. Applicant has not amended any claims, as the arguments for patentability are believed to be quite strong.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Su (6,425,674).

This rejection should be traversed for at least the following reason.

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In the present application, priority has been claimed from **March 29, 1999** based on Japanese Patent Application Nos. 11-086405 and 11-086342. Moreover, the present application is a National Stage application filed on the basis of International Application PCT/JP 00/01900, filed **March 28, 2000**.

The patent to Su has a U.S. filing date of **January 10, 2001**. Thus, the Applicant can remove the patent to Su as a basis for rejection on the basis of its earlier filing date in the U.S. (based upon the PCT filing) of March 28, 2000, and its earlier priority date based upon the two Japanese applications.

Applicant notes, however, that the Examiner has not yet acknowledged Applicant's claim to priority. Applicant respectfully requests that the Examiner do so prior to allowance of the application.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

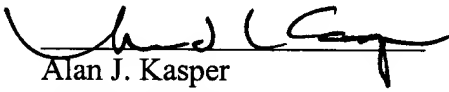
Respectfully submitted,

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Date: October 7, 2003